

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Alex Darcy, Esq. (CSBA No. 189315) Askounis & Borst, P.C. 180 N. Stetson Ave., Suite 3400 Chicago, IL 60601 TELEPHONE NO.: (312) 861-7100 FAX NO.: (312) 861-0022 ATTORNEY FOR (Name): STERLING NATIONAL BANK	FOR COURT USE ONLY <div style="border: 2px solid black; padding: 5px; transform: rotate(-5deg);"> FILED CLERK, U.S. DISTRICT COURT JAN 18 2008 CENTRAL DISTRICT OF CALIFORNIA BY </div>
NAME OF COURT: United States District Court, Central District of California STREET ADDRESS: 312 North Spring Street MAILING ADDRESS: Los Angeles, CA 90012 CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME:	
PLAINTIFF: STERLING NATIONAL BANK DEFENDANT: DAVID L. SOLOMON	
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input type="checkbox"/> ENFORCEMENT OF JUDGMENT <input checked="" type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input checked="" type="checkbox"/> Third Person	CASE NUMBER: CV 06-3989-GPS(SSx)

ORDER TO APPEAR FOR EXAMINATION
 TO (name): WMD Capital Markets, LLC, Attn: Marla J. Perez, 559 San Ysidro Rd., Suite I, Santa Barbara, CA 93108
 YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 a. ☒ furnish information to aid in enforcement of a money judgment against you.
 b. ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 c. ☒ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: March 11, 2008 Time: 10:00 am Courtroom Number: 3rd Floor, Room 23
 Address of court ☒ shown above ☐ is:

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: 1/18/08

JUDGE OR MAGISTRATE JUDGE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): _____ to appear and furnish information
 to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
 a. ☐ the judgment debtor.
 b. ☒ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached. See Exhibit A attached hereto.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 1/16/08

Alex Darcy
 (TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

- 1) WAGES AND OTHER MONEY WHICH DEBTOR MAY BE ENTITLED OR WHICH MAY
HEREAFTER BE ACQUIRED BY OR BECOME DUE TO DEBTOR.
- 2) PROPERTY TRANSFERRED TO OR FROM DEBTOR, OR HELD ON BEHALF OF DEBTOR.
- 3) PROPERTY TRANSFERRED TO OR FROM THIRD PARTY ON BEHALF OF DEBTOR.

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

Alex Darcy (CSBA No. 189315)
Askounis & Borst, P.C.
Two Prudential Plaza
180 N. Stetson St., Suite 3400
Chicago, Illinois 60601
Tel: (312) 861-7100
Fax: (312) 861-0022
adarcy@askborst.com

Attorney for Plaintiff:
Sterling National Bank

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

STERLING NATIONAL BANK,

Plaintiff,

v.

DAVID L. SOLOMON, individually,

Defendant.

Case No. CV 06-3989 GPS(SSx)

DECLARATION OF ALEX
DARCY SUPPORTING
APPLICATION FOR ORDER FOR
EXAMINATION OF THIRD
PARTY

DECLARATION OF ALEX DARCY

I, Alex Darcy, declare that:

1. I have personal knowledge of the matters set forth herein and if called to testify would state as follows.

2. I am over the age of eighteen.

3. I am counsel for Sterling National Bank ("Sterling") in the above-captioned matter

4. On May 25, 2007, Sterling obtained a money judgment against David L. Solomon ("Solomon"), individually, in the amount of \$506,374.36.

5. To date, \$506,374.36 remains unsatisfied.

6. According to WMD Capital Markets, LLC's website, Solomon is its President. See Exhibit 1 attached hereto.

DECLARATION OF ALEX DARCY

EXHIBIT

A

1 7. Upon information and belief, WMD Capital Markets, LLC has
2 possession or control of property which belongs to Solomon or owes a debt to
3 Solomon in an amount exceeding two hundred fifty dollars (\$250.00). This
4 property/debt is as follows:

- 5 a) Wages and other money which Solomon may be entitled or which
6 may hereafter be acquired by or become due to Solomon;
7 b) Property transferred to or from Solomon, or held on behalf of
8 Solomon.

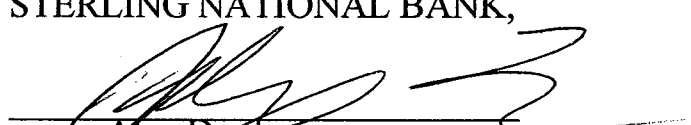
9 8. The place of business of WMD Capital Markets, LLC is in Santa
10 Barbara, Santa Barbara County, California, and the distance from its place of business
11 to the place of examination is less than 150 miles.

12 I declare under penalty of perjury under the laws of the State of California that
13 the foregoing is true and correct.

14
15 STERLING NATIONAL BANK,

16
17 Date: January 16, 2008

By:


Alex Darcy

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DECLARATION OF ALEX DARCY



WMD Capital Markets, LLC

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559 San Ysidro Road, Suite I
Santa Barbara, CA 93108

Tel 805 969 6300
Fax 805 969 6977

info@wmdcapital.com
www.wmdcapital.com

William M. Daugherty
Chief Executive Officer
wmd@wmdcapital.com

Dennis E. Carlton, Esq.
Managing Director
& General Counsel
dcarlton@wmdcapital.com

Steven R. Gurnins
Managing Director
sgurnins@wmdcapital.com

David L. Solomon
President
dsolomon@wmdcapital.com

Heidi L. Lake
Vice President
hlake@wmdcapital.com

Kevin W. Schoening
Senior Vice President
kschoening@wmdcapital.com

Jennifer Kinsella
Vice President
jkinsella@wmdcapital.com

Christopher R. Hund
Associate Trader
chund@wmdcapital.com

Connor Humphreys
Associate
chumphreys@wmdcapital.com

Michael C. Thomas
Chief Financial Officer
mthomas@wmdcapital.com

Brooke E. Powell
Vice President
bpowell@wmdcapital.com

Marla J. Perez
Accounting Manager
mperez@wmdcapital.com

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EXHIBIT

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